

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 363

SENATE BILL 1251

AN ACT

AMENDING SECTION 5-113, ARIZONA REVISED STATUTES; RELATING TO UNCLAIMED PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-113, Arizona Revised Statutes, is amended to
3 read:

4 5-113. Disposition of revenues and monies; funds; committee

5 A. All revenues derived from permittees, permits and licenses, as
6 provided by this article, and all monies transferred pursuant to section
7 44-313, subsection A shall be deposited, pursuant to sections 35-146 and
8 35-147, or distributed as follows:

9 1. ~~Eight~~ ONE MILLION TWO hundred thousand dollars or twenty-two per
10 cent, whichever is less, shall be deposited in the Arizona county fairs
11 racing betterment fund established by subsection B of this section.

12 2. One million ~~two~~ EIGHT hundred thousand dollars or thirty-three per
13 cent, whichever is less, shall be deposited in the county fairs livestock and
14 agriculture promotion fund established by subsection C of this section.

15 3. ~~Eight~~ ONE MILLION TWO hundred thousand dollars or twenty-two per
16 cent, whichever is less, shall be deposited in the Arizona breeders' award
17 fund established by subsection F of this section.

18 4. ~~Forty~~ SIXTY thousand dollars or one per cent, whichever is less,
19 shall be deposited in the Arizona stallion award fund established by
20 subsection G of this section.

21 5. ~~Three~~ FOUR hundred FIFTY thousand dollars or nine per cent,
22 whichever is less, shall be deposited in the county fair racing fund
23 established by subsection I of this section.

24 6. One per cent of the revenues and monies shall be deposited in the
25 agricultural consulting and training fund established by subsection J of this
26 section.

27 7. ~~Forty-five~~ SIXTY-SEVEN thousand dollars or one per cent, whichever
28 is less, shall be subject to legislative appropriation to the department for
29 administration of the Arizona county fairs racing betterment fund, the
30 Arizona breeders' award fund, the Arizona stallion award fund and the
31 greyhound adoption fund. Monies that are distributed pursuant to this
32 paragraph and that remain unspent at the end of a fiscal year do not revert
33 to the state general fund.

34 8. Four hundred thousand dollars or eleven per cent, whichever is
35 less, shall be deposited in the Arizona exposition and state fair fund
36 established by section 3-1005 for the purpose of capital outlay.

37 9. Any revenues and monies that are not distributed pursuant to
38 paragraphs 1 through 8 of this subsection at the end of a fiscal year shall
39 be deposited in the state general fund.

40 B. The Arizona county fairs racing betterment fund is established
41 under the jurisdiction of the department. The department shall distribute
42 monies from the fund to the county fair association or county fair racing
43 association of each county conducting a county fair racing meeting in such
44 proportion as the department deems necessary for the promotion and betterment
45 of county fair racing meetings. All expenditures from the fund shall be made

1 upon claims approved by the department. In order to be eligible for
2 distributions from the fund, a county fair association must provide the
3 department with an annual certification in the form required by the
4 department supporting expenditures made from the fund. Balances remaining in
5 the fund at the end of a fiscal year do not revert to the state general fund.

6 C. The county fairs livestock and agriculture promotion fund is
7 established under the control of the governor and shall be used for the
8 purpose of promoting the livestock and agricultural resources of the state
9 and for the purpose of conducting an annual Arizona national livestock fair
10 by the Arizona exposition and state fair board to further promote livestock
11 resources. The direct expenses less receipts of the livestock fair shall be
12 paid from this fund, but such payment shall not exceed thirty per cent of the
13 receipts of the fund for the preceding fiscal year. Balances remaining in the
14 fund at the end of a fiscal year do not revert to the state general
15 fund. All expenditures from the fund shall be made upon claims approved by
16 the governor, as recommended by the livestock and agriculture committee, for
17 the promotion and betterment of the livestock and agricultural resources of
18 this state. The livestock and agriculture committee is established and shall
19 be composed of the following members, at least three of whom are from
20 counties that have a population of less than five hundred thousand persons,
21 appointed by the governor:

- 22 1. Three members representing county fairs.
- 23 2. One member representing Arizona livestock fairs.
- 24 3. One member representing the university of Arizona college of
25 agriculture.
- 26 4. One member representing the livestock industry.
- 27 5. One member representing the farming industry.
- 28 6. One member representing the governor's office.
- 29 7. One member representing the Arizona state fair conducted by the
30 Arizona exposition and state fair board.
- 31 8. One member representing the general public.

32 D. The governor shall appoint a chairman from the members. Terms of
33 members shall be four years.

34 E. Members of the committee are not eligible to receive compensation
35 but are eligible to receive reimbursement for expenses pursuant to title 38,
36 chapter 4, article 2.

37 F. The Arizona breeders' award fund is established under the
38 jurisdiction of the department. The department shall distribute monies from
39 the fund to the breeder, or the breeder's heirs, devisees or successors, of
40 every winning horse or greyhound foaled or whelped in this state, as defined
41 by section 5-114, in a manner and in an amount established by rules of the
42 commission to protect the integrity of the racing industry and promote,
43 improve and advance the quality of race horse and greyhound breeding within
44 this state. The department may contract with a breeders' association to
45 provide data, statistics and other information necessary to enable the

1 department to carry out the purposes of this subsection. Persons who are not
2 eligible to be licensed under section 5-107.01 or persons who have been
3 refused licenses under section 5-108 are not eligible to participate in the
4 Arizona greyhound breeders' award fund. Balances remaining in the fund at
5 the end of a fiscal year do not revert to the state general fund. For the
6 purposes of this subsection, "breeder" means the owner or lessee of the dam
7 of the animal at the time the animal was foaled or whelped.

8 G. The Arizona stallion award fund is established under the
9 jurisdiction of the department to promote, improve and advance the quality of
10 stallions in this state. The department shall distribute monies from the
11 fund to the owner or lessee, or the owner's or lessee's heirs, devisees or
12 successors, of every Arizona stallion whose certified Arizona bred offspring,
13 as prescribed in section 5-114, finishes first, second or third in an
14 eligible race in this state. The department may contract with a breeders'
15 association to provide data, statistics and other information necessary to
16 enable the department to carry out the purposes of this subsection. Balances
17 remaining in the fund at the end of a fiscal year do not revert to the state
18 general fund. The commission shall adopt rules pursuant to title 41, chapter
19 6 to carry out the purposes of this subsection. The rules shall prescribe at
20 a minimum:

21 1. The manner and procedure for distribution from the fund, including
22 eligibility requirements for owners and lessees.

23 2. Subject to availability of monies in the fund, the amount to be
24 awarded.

25 3. The requirements for a stallion registered with the jockey club,
26 Lexington, Kentucky or with the American quarter horse association, Amarillo,
27 Texas to be certified as an Arizona stallion.

28 4. The types and requirements of races for which an award may be made.

29 H. The greyhound and retired racehorse adoption fund is
30 established. The department shall administer the fund and maintain separate
31 accounts for greyhound adoptions and retired racehorse adoptions. All
32 revenues derived from license fees collected from dog breeders, racing
33 kennels and other operations pursuant to section 5-104, subsection F,
34 paragraphs 7, 8 and 9 shall be deposited, pursuant to sections 35-146 and
35 35-147, in the greyhound adoption account of the fund. All revenues derived
36 from retired racehorse adoption surcharges collected pursuant to section
37 5-104, subsection G shall be deposited, pursuant to sections 35-146 and
38 35-147, in the retired racehorse adoption account of the fund. The
39 department shall distribute monies from the fund to provide financial
40 assistance to nonprofit enterprises approved by the commission to promote the
41 adoption of former racing greyhounds as domestic pets and to promote the
42 adoption of retired racehorses pursuant to section 5-104, subsection G in a
43 manner and in an amount established by rules of the commission. Balances
44 remaining in the fund at the end of a fiscal year do not revert to the state
45 general fund.

1 I. The county fair racing fund is established. The department shall
2 administer the fund. Subject to legislative appropriation, the department
3 shall use fund monies for the administration of county fair racing. Any
4 monies remaining unexpended in the fund at the end of the fiscal year in
5 excess of seventy-five thousand dollars shall revert to the state general
6 fund.

7 J. The agricultural consulting and training fund is established. The
8 Arizona department of agriculture shall administer the fund. Subject to
9 legislative appropriation, the Arizona department of agriculture shall use
10 monies in the fund for the agricultural consulting and training program
11 established by section 3-109.01. Balances remaining in the fund at the end of
12 a fiscal year do not revert to the state general fund.

13 Sec. 2. Effective date

14 This act is effective for taxable years beginning from and after
15 December 31, 2006.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.